

VZCZCXRO3087
PP RUEHLMC
DE RUEHMU #0304/01 0721845
ZNR UUUUU ZZH
P 121845Z MAR 08
FM AMEMBASSY MANAGUA
TO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE PRIORITY
RUEHC/SECSTATE WASHDC PRIORITY 2244
RUEHLMC/MILLENNIUM CHALLENGE CORP WASHDC
RHEHNSC/NSC WASHINGTON DC
RUEAHLA/HOMELAND SECURITY CENTER WASHINGTON DC
INFO RUEHCV/AMEMBASSY CARACAS 1215
RUEHGT/AMEMBASSY GUATEMALA 2802
RUEHJA/AMEMBASSY JAKARTA 0031
RUEHME/AMEMBASSY MEXICO 5082
RUEHSN/AMEMBASSY SAN SALVADOR 4705
RUEHTG/AMEMBASSY TEGUCIGALPA 4132
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC
RUEHC/DEPT OF LABOR WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC

UNCLAS SECTION 01 OF 13 MANAGUA 000304

SIPDIS

SENSITIVE
SIPDIS

DEPT FOR G/TIP, G, INL, DRL, PRM
DEPT FOR SMILLER WHA/PPC
DEPT FOR RGREEN AND NNYMAN WHA/CEN
DEPT PASS TO USAID

E.O. 12958: N/A

TAGS: [ELAB](#) [KCRM](#) [KFRD](#) [KWMN](#) [PHUM](#) [PREF](#) [SMIG](#) [NU](#)

SUBJECT: NICARAGUA: EIGHTH ANNUAL TRAFFICKING IN PERSONS
(TIP) REPORT 2008

REF: A. STATE 002731

- [1](#)B. 07 MANAGUA 00796
- [1](#)C. 08 MANAGUA 2577
- [1](#)D. 07 MANAGUA 2594
- [1](#)E. 08 MANAGUA 0176

SUMMARY

- - - -

[1](#)1. (SBU) During the April 2007 to March 2008 reporting period, the Government of Nicaragua (GON) maintained efforts to combat trafficking in persons (TIP) in the areas of prevention, raising awareness, and detection, but made little progress in terms of victim assistance and the prosecution and convictions of traffickers. No reliable data was available to assess the magnitude of the trafficking in persons problem in Nicaragua, but all sources consulted concurred that the prevalence of human trafficking was underreported and concealed. In addition, internal trafficking involving the sexual exploitation of children was a serious problem. Child labor continued to be widespread. An overall lack of awareness and understanding of the trafficking in persons phenomenon within the population continued. Poverty, illiteracy, lack of economic opportunity, porous borders, geographic location, and vast areas of unpatrolled land along the Atlantic coast, contribute to making Nicaragua the principal source of trafficking victims in Central America.

[1](#)2. (SBU) Although the country has in place a National Coalition against Trafficking in Persons (NCATIP), which includes various ministries and civil society organizations, non-governmental organizations within the NCATIP voiced regret that this Coalition was less active and accessible than in the past. Resource constraints, the slow pace of judicial reform, corruption in the judiciary, the delay in the implementation of the new penal code, a lack of border security, weak immigration controls, and insufficient coordination of efforts were among the top obstacles impeding progress. Significant personnel changes in government

ministries linked to the assumption of power by the new Ortega Administration in early 2007 impeded continuity and coordination in combating TIP. It should be noted, however, the GON reaffirmed its commitment to address the problem and hosted two regional conferences on the topic. The GON made strides in providing anti-trafficking training for government officials and the Nicaraguan National Police (NNP) and in extending public awareness information through programs implemented and financed by outside donors, non-governmental organizations (NGOS), and UN organizations. According to the Ministry of Government, all of its officials have been trained and sensitized in the topic, including at the departmental and district levels. (END SUMMARY)

The information provided below is keyed to Reftel A paragraphs 27-31.

13. OVERVIEW OF NICARAGUA'S ACTIVITIES TO ELIMINATE TIP (PARA. 27)

1A. (SBU) Nicaragua was a source of both internal and external trafficking, primarily for the purpose of sexual exploitation of children, adolescents, and young women. Although it was also a transit country, there was scant evidence that Nicaragua was a significant destination country. There were no reliable statistics available to assess the magnitude of trafficked victims. According to a 2007 study by the Institute of Public Policy and Strategic Studies (IEEPP), Nicaraguan authorities were only able to detect 10 percent of illegal trafficking across its borders, which includes illegal migration as well as human

MANAGUA 00000304 002 OF 013

trafficking. The reliability of any assessment of the extent of internal trafficking was even more doubtful. As the second poorest country in the Western Hemisphere, Nicaragua suffers from severe resource constraints, weak institutions, and a generalized disrespect for the rule of law, conditions which favor criminals involved in human trafficking. The Department of Chinandega on the northwest border of the country was the most vulnerable area in the country for external trafficking. Sources consulted included media reports, the NCATIP (Ref B), the Ministry of Government, the Ministry of Family, the Nicaraguan National Police (NNP) Special Crimes Unit, the NNP's Commissariat for Women and Children, the Office of the Human Rights Ombudsman, the International Organization for Migration (OIM) and other NGOs that form part of the Coalition including Casa Alianza, Save the Children, Dos Generaciones, the Council for the Defense of Children (CODENI), UNICEF, the National Movement for Children, Girls, and Adolescent Workers (NATRAS), and the IEEPP.

1B. (SBU) As in the previous year, the vast majority of cases in Nicaragua involved young women and girls trafficked for the purpose of sexual exploitation. The main groups at risk were young uneducated women and children from poor, rural areas; victims of domestic abuse and sexual violence; girls and adolescents from rural areas who were offered jobs to work in restaurants, night clubs and bars in urban areas; and, individuals who lack a legal identification card (cedula) required for persons over the age of 16. These groups were trafficked to work as prostitutes in night clubs, bars, brothels, and massage parlors. Children and women from the ages of 13 to 21 years were the most vulnerable, but there was evidence of children as young as 11 and women up to the age of 35 who were victims of trafficking. Victims were usually approached by individuals who appeared to be prosperous, drove expensive cars, and offered lucrative jobs. They offered false documents, money, food, clothing, gifts, and cell phones as incentives. One NGO claimed that some traffickers attempted to lure adolescents with offers of scholarships to Venezuela. Traffickers also sometimes used children to recruit other children. Female traffickers,

including former prostitutes, often attempted to first develop a bond of trust when recruiting victims, or even used a form of brainwashing, to convince children and young girls that prostitution was a desirable way of life and/or to establish a sense of dependency to prevent victims' escape. Some pursued women who were victims of violence by pretending to offering them assistance out of altruism.

1B. Continued: (SBU) There were reports of forced child marriages, some of which were arranged by parents of low economic means who sold their daughters to older men. NGOs reported an increase in temporary marriages between foreign male tourists and female minors. According to NGOs and human rights organizations, trafficking for labor exploitation was a problem, but the government did not recognize this as a serious concern as there was insufficient data to confirm its prevalence.

1B. Continued (U) Authorities and NGOs concurred that traffickers ran the gamut from organized crime rings and taxi driver networks, to family operations and individuals including "madams" and former prostitutes. Traffickers used night clubs, massage parlors, cheap hotels, brothels, and restaurants to recruit and deceive victims. They transported victims openly through border checkpoints and airports, and illegally through backroads and blind spots along the borders and unpatrolled maritime routes. They also used phony travel agencies and employment agencies as front companies, and advertised jobs in local newspapers for work in massage parlors, beauty salons, hotels, and in the modeling, tourist, and entertainment industries. In August 2007, the leading left-leaning news outlet, El Nuevo Diario, decided to pull

MANAGUA 00000304 003 OF 013

advertising for massage parlors after police arrested a 21-year old woman for allegedly recruiting minors to work as prostitutes in a massage parlor in Managua. Civil society and religious leaders hailed the decision as contributing to the overall effort to stop trafficking.

1B. Continued (U): Child labor was a widespread problem. Experts in the area of child labor have estimated that the number of working children under the age of 18 was approximately 239,000, of which 36 percent were under the age of 14. Children worked in agriculture, forestry, fishing, hunting, coffee plantations and cigar factories. Although a majority of child laborers worked at the subsistence level to support their families, 60 percent did not receive direct compensation for their labor, working instead as part of a family venture or for goods in kind. NGOs reported that Nicaraguan migrants returned from temporary stays in Costa Rica to recruit children under the false promise of work in the beauty and modeling industry in the Costa Rica, where they were then trafficked for sexual purposes. In some cases, traffickers recruited undocumented Nicaraguan boys to work on farms in Costa Rica. After several months of unpaid labor, the boys were released but because they had no national identification card, they were treated as illegal migrants rather than as victims of trafficking.

1B. Continued (U): El Salvador, Guatemala, and Honduras remained the main destination countries for Nicaraguan trafficking victims, largely due to the CA4 migration agreement between Nicaragua, El Salvador, Guatemala, and Honduras. Citizens and residents of these countries are only required to show their cédulas (national identification cards), to cross the borders between these four countries. Passports are not required. Victims were also trafficked to Costa Rica, Mexico, the United States, Europe, and were trafficked internally.

1B. Continued (SBU): One major concern with the Ortega Administration's immigration policy was its decision to grant nationals of Libya and Iran visa-free entry. (Ref. C) Although there was no evidence that dropping visa requirements for Iran presented any change in the TIP

situation, the policy shift caused consternation among other Central American countries given its implications for illegal migration and other criminal activities.

1C. (SBU) The National Coalition for Trafficking in Persons (NCATIP) which falls under the jurisdiction of the Ministry of Government is the lead government organization responsible for anti-trafficking efforts. The principal agencies within the NCATIP are the National Police, including the Special Crimes Unit of the Auxiliary Judicial Division, the Immigration Service, the Public Ministry, and the Ministries of Family, Education, Health, and Labor. The Women's Police Commissariats no longer have the lead role in following trafficking cases, but rather now focus on victim assistance and prevention. The National Police's Auxiliary Judicial Division is responsible for trafficking investigations. The government's National Council for the Integral Attention and Protection of Children and Adolescents (CONAPINA), established under the provisions of the Code for the Rights of Children and Adolescents, was effectively dissolved this past year.

1D. (SBU) As in previous years, a lack of resources and budget, a generalized disrespect for the rule of law, and corruption in the judiciary were the key limitations to the GON's ability to address the problem. During an anti-TIP conference convened with the Central American Parliament's (PARLACEN) Women's Forum in August, Minister of Government Ana Isabel Morales lamented that while Nicaragua is the Central American country most affected by the crime of human trafficking, the lack of consciousness among the country's

MANAGUA 00000304 004 OF 013

judges allows trafficking criminals to go free. She also noted that in addition to weaknesses in the judicial system, victims themselves do not always understand that they have been victims of a crime. Cultural and class prejudices present another obstacle--as several NGOs pointed out, sexual exploitation and abuse of women and children is accepted as "normal" in Nicaragua, making the detection of trafficking in persons all the more difficult. Due to the shame associated with being trafficked and sexually exploited, and fear of stigmatization, victims and their families were reluctant to file complaints with the authorities, further hampering the government's ability to prosecute TIP cases. There was no credible data to verify the number of trafficking cases or victims, but all organizations consulted concurred that the actual number of cases exceeded cases reported. Police data was unreliable since these statistics often do not distinguish between number of disappeared persons, trafficked persons, and illegal migrants leading to discrepancies among these categories. There was a lack of consistency in classifying cases of human trafficking.

1E. (SBU) The NNP affirmed that its police officers are trained to monitor anti-TIP efforts and has incorporated human trafficking sensitization as part of the require human rights training for new officers. The Police and Immigration Service implemented a social and geographic mapping tool developed by Save the Children in 2006 to monitor and identify trafficking routes. The NCATIP has taken steps to coordinate actions by different agencies mainly in the area of raising awareness, and shared its results, such as conferences and public events, with the media. Under the leadership of Chief of Police Aminta Granera, the NNP has made the fight against gender-based violence a greater priority which has led to greater awareness of crimes against women, including sexual exploitation and trafficking.

14. INVESTIGATION AND PROSECUTION OF TRAFFICKERS (PARA. 28)

1A. (SBU) The government did not enact any new anti-TIP legislation since the last TIP report. However, after a number of years of civil society effort, the NCATIP approved

in 2007 a Protocol for the Repatriation of Trafficking Victims, signed by members of the Coalition, the Office of the Attorney General, and other government entities. The Constitution bans forced labor, slavery, and indentured servitude, but the penal code does not recognize trafficking for the purpose of forced labor as a specific crime. Laws on sex crimes, illegal migration, and the Code for Children and Adolescent Rights are the main sources of legislation that prohibit trafficking in persons and internal trafficking involving exploitation of children. Although the National Assembly approved in November 2007 a new penal code, which expands the scope of sex-related crimes involving the exploitation of minors, it is still not in force. Under the new code, the law criminalizes trafficking for the purpose of sexual exploitation and slavery both inside and outside the country. The new legislation will allow a much broader interpretation of trafficking offenses than is currently in effect, but labor trafficking is not specifically addressed. According to the Labor Code of 1996 and the Child and Adolescent Code of 1998, adolescents and children are prohibited from engaging in work that endangers their health and safety including work in night entertainment venues or that interferes in their schooling (Ref. D).

The existing Penal Code bans trafficking for the purpose of prostitution as follows:

-- Article 203. Any individual found guilty of trafficking in persons--defined as someone who recruits people through deception, force or manipulation, with or without their

MANAGUA 00000304 005 OF 013

consent, for the purpose of prostitution either inside or outside the Republic, or who introduces other persons into the country for the same purpose--will be subject to punishment between 4 and 10 years. The maximum penalty is applied when the author (trafficker) involved is either married to, or is in an established stable union with, the victim, or when the victim is younger than 14 years of age.

An inventory of laws concerning trafficking in persons and sex crimes in the new Penal Code follows:

-- Article 182. Trafficking in Persons for the Purpose of Slavery or Sexual Exploitation

Whoever, using force or violence, offers, deceives, promotes, facilitates, induces or attracts, recruits, contracts, transports, transfers, retains, takes in, or receives people, with the purpose of sexual exploitation, inside or outside national territory, even with the consent of the victims, shall be penalized with the sentence of between 7 to 10 years imprisonment. If the victim is younger than 18 years of age, or disabled, or the act was committed by a relative, guardian, spiritual guide, mentor, or an individual permanently sharing the family home of the victim, or has a relationship of trust with the victim, the penalty will be between 10 and 12 years imprisonment.

Whoever sells, offers, delivers, transfers or accepts a girl, boy or teenager for the purpose of sexual exploitation, regardless of whether a payment or reward was made, will be penalized with between 8 to 12 years of prison. The same penalty will be applied to anyone who offers, possesses, acquires, or accepts the sale of a girl, boy, or teenager with the purpose of illegitimate adoption.

--Article 174: Sexual Harassment: Any individual who uses pressure, a position of power or authority, promises of preferential treatment, threats, or any other form of sexual harassment to coerce another person to engage in sexual acts can be found guilty of sexual harassment and sentenced to 1 to 3 years imprisonment. If the victim is younger than 18 years of age, the penalty ranges from 3 to 5 years.

-- Article 175. Sexual Exploitation, Pornography, and Sexual

Acts with Minors

Any individual found guilty of inducing, facilitating, promoting or using a minor under the age of 16 or disabled for sexual or erotic purposes, or forces such individual watch or participate in such an act, will be punished with 5 to 7 years of imprisonment. If the victim is over the age of 16, but younger than 18, the penalty will be 4 to 6 years imprisonment.

Those who promote, finance, make, reproduce, publish, sell, import, export, or distribute material for the purpose of sexual exploitation involving the image or voice of a person under the age of 18 engaged in a sexual or erotic activity, will be considered in violation of the law. The penalty for this crime will be 5 to 7 years of imprisonment and a fine, equivalent to either 33 percent of the condemned's income or the standard minimum wage, to be paid for 150 to 500 days.

Those who, for the purpose of sexual exploitation, own pornographic or erotic material in the terms expressed in the previous paragraph, will be punished with 1 to 2 years of imprisonment.

Those who carry out sexual or erotic acts with a person between the ages of 14 and 18, of any gender, in exchange for payment or promise of any economic benefit, will be punished with 5 to 7 years of imprisonment.

MANAGUA 00000304 006 OF 013

-- Article 176. Specific aggravation in case of sexual exploitation, pornography, and paid sexual acts with minors.

The penalty will be 6 to 8 years of imprisonment when the crime is committed with the intent of profit; the author or authors are part of an organized group to commit sexual crimes; involves deception, violence, abuse of authority, intimidation, or coercion; the author commits the crime using a relationship of authority, superiority, family, dependency, or trust with the victim, or permanently shares the home with the victim. If two or more of these circumstances concur, the penalty will increase to 7 to 9 years of imprisonment.

-- Article 177. Sexual tourism

Those who promote the country as a destination for sexual tourism, individually or through tour operators, advertising campaigns, and reproduction of images or texts utilizing persons younger than 18 years of age, will be punished with 5 to 7 years of prison and a fine, equivalent to 33 percent of the condemned's daily wages or the standard minimum wage, to be paid for a period of 150 to 500 days.

-- Article 178. Procurement of Prostitution

Those who induce, promote, facilitate or favor sexual exploitation, pornography, and the paid sexual act of a person of any gender, or is involved in the recruitment for said purpose, will be punished with 4 to 6 years of imprisonment and a fine, equivalent to 33 percent of the condemned's daily wages or the standard minimum wage, to be paid for a period of 150 to 300 days.

--Article 179. Aggravated Procurement of Prostitution

The penalty will be between 6 and 8 years of prison and a fine, equivalent to 33 percent of the condemned's daily wages or the standard minimum wage, to be paid for a period of 300 to 600 days.

- a) When the victim is younger than 18 years old or is disabled.
- b) When there is intent of profit.
- c) When there is involvement of deceit, violence, abuse of authorities or through any means of intimidation or coercion.

d) When the author commits the crime taking advantage of a relationship of superiority, authority, family ties, dependency or trust with the victim, or if permanently shares a family home with the victim.

--Article 180. Inducement of Prostitution (Pimping)

Whoever by means of threat or coercion, receives economic commercial benefit, even if in part, from a person who provides sex acts through payment, will be penalized with imprisonment between 3 and 5 years. If the victim is younger than 18 years old or is physically or mentally disabled, the penalty will be between 5 and 7 years of prison. The same penalty will be applied when the author of the crime is either married to or in a common-law relationship with the victim.

-- Article 181.

When the crime of sexual exploitation is committed against boys, girls, and adolescents, there will be no mediation process nor any benefit of suspension of the penalty.

1B. (SBU) The prescribed penalties for trafficking people for sexual exploitation were outlined in preceding paragraph A. According to the Auxiliary Judicial Police, 8 men and 17 women were arrested for trafficking and sexual exploitation offenses during the reporting period. There was no

MANAGUA 00000304 007 OF 013

information available on numbers sex traffickers who received suspended sentences or the number who received only a fine as punishment.

1C. (SBU) There is no specific law to ban labor trafficking, but there are strict labor laws in place to protect workers, including child laborers, from exploitation. The Ministry of Labor is responsible for enforcing labor laws, child labor laws, and levying fines against employers violating the Labor Code, but lacked adequate resources to effectively enforce the law except in the small informal sector. A Sandinista-affiliated radio station ran regular ads providing information on domestic worker rights, and maintained a special call-in line encouraging domestic workers to denounce mistreatment, abuse, and denial of compensation and benefits by their employer or "patron." In June, the Ministry of Labor renewed its Memorandum of Understanding with the ILO for another five years and continued to participate in several on-going ILO-IPEC projects, including three regional projects. The GON continued to participate in a two-year (2006-2008) regional program to reduce dangerous forms of work (funded by Canada) and the third phase of a USD 6 million (funded by Spain) initiative that aims to focus on eliminating indigenous labor, educating families about child labor, and strengthening the Ministries of Labor and the Family. (Ref. D)

1D. (U) The law criminalizes rape and forcible sexual assault. According to the latest reforms to the penal code, the penalty for adult rape is 8 to 12 years in prison which is on par with the prescribed penalties for trafficking in persons for commercial sexual exploitation. If the rape victim is younger than 14, the penalty increases to 12 to 15 years in prison. Aggravated rape carries a sentence of 12 to 15 years in prison. Statutory rape, defined as sexual relations with a person between the ages of 14 and 16 by means of violence or intimidation, carries a penalty of two to four years imprisonment.

1E. (U) Prostitution is legal for persons over the age of 14, but the law prohibits its promotion, including procurement. The activities of the brothel owner/operator, clients, and pimps are criminalized but the laws are not always enforced. Prostitution was common; in Managua most prostitutes worked on the streets, in nightclubs, and in bars. According to Save the Children and Casa Alianza, women

and girls who worked at certain centers of prostitution were recruited by traffickers who offered them jobs in neighboring countries. The Movement for Self-Development, Exchange, and Solidarity (MAIS), an Italian NGO, reported that busloads of girls from rural areas were transported to Managua and other urban centers to work as weekend prostitutes in night clubs, bars, and strip clubs. A U.S. missionary who provides counsel, recovery services, and alternative employment to female prostitutes reported that male police officers were among the clients of brothels.

1F. (SBU) The Auxiliary Judicial Police reported a total of 8 trafficking cases involving 18 victims, all female, for the reporting period. Police arrested a total of 8 men and 17 women for trafficking offenses and corruption on minors during the reporting period. The police could not confirm how many of these cases resulted in investigations or prosecutions. The Special Crimes Unit reported evidence of a larger number of cases as a result of applying the new mapping tool to identify routes. According to the NCATIP, the number of victims trafficked outside the country could not be determined. The government prosecuted three cases against human trafficking offenders which resulted in the conviction of five traffickers. An overview of cases follows.

1F. Continued. (U) In May, a jury convicted a 41-year old transsexual on trafficking charges, and a judge sentenced the

MANAGUA 00000304 008 OF 013

individual to nine years and two months in prison. The sentence also included payment of a fine equivalent to 30 percent of the trafficker's wages. Media accounts of the case raise questions as to whether this constituted a case of trafficking since the victim received payment for sexual services. Chorli Jeaneth Hernandez, who had reportedly gone to Spain to undergo a sex change operation to become a woman, had lured her 28-year old sister-in-law to Spain in late 2006 under the pretext of employment offering lucrative employment. During the May 2007 trial, the victim told the jury she had been trafficked because after arriving in Spain, Hernandez forced her to work as a prostitute, earning 50 euros (the equivalent of USD 75) per hour for "unbridled sex" with men and women. Meanwhile in the closing statement, Hernandez admitted to wrongdoing, but denied the trafficking charges, insisting to the judge and prosecutor that the sister-in-law filed these charges against her in order to avoid repaying nearly two thousand dollars in airfare and incidentals "she" had loaned her to cover the trip to Spain. In another case, Maria Eugenia Blanco Reyes, a 21-year old woman who ran a Managua massage parlor, was arrested in August for recruiting underage girls to perform sex with clients. She was prosecuted on charges of trafficking and corruption of minors and was convicted to four years in prison. In a case that occurred in Bluefields in the Southern Atlantic Autonomous Region (RAAS), three women were found guilty of trafficking young girls to work as prostitutes and were sentenced to ten years in prison. Two women, who had been convicted in March 2007 for trafficking offenses in Bluefields and escaped before sentencing, remained fugitives.

1F. Continued. (U) In July, a 35 year-old Indonesian woman working as a domestic servant in the home of Nicaraguan nationals of Palestinian descent in Managua reported to police and the International Organization for Migration (IOM) that she was a victim of labor exploitation. Before leaving her home country of Indonesia, she believed she was being offered a job in Jordan. She received no wages and she reportedly underwent physical and psychological abuse at the hands of her employer. Although law enforcement authorities removed the woman from the home, the government did not prosecute the employer because, according to the Public Ministry, this was not recognized as a crime under Nicaraguan law and it could not press charges. The IOM facilitated the woman's return to Indonesia. The employer subsequently filed a complaint against the IOM with the police.

1F. Continued. (U) In December, the NNP detained a group of children purported to be Guatemalans at Managua International Airport with suspect U.S. visas. (Ref. E) A Delta airline counter check-in employee noted that the same adults had appeared the previous day with other unaccompanied children to board a flight